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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10 FRANCISCO FERRERAS  
11 RODRIGUEZ, an individual,

12 Plaintiff,

13 v.

14 NETFLIX, INC., a Delaware  
corporation, NOLITA CINEMA, a  
15 French business entity, DAVID M.  
ROSENTHAL, an individual, and  
16 DOES 1-10,

17 Defendants.  
18

CASE No. 23-2302

**COMPLAINT FOR DAMAGES  
FOR (1) DEFAMATION PER SE;  
AND (2) FALSE LIGHT INVASION  
OF PRIVACY; REQUEST FOR  
JURY TRIAL**

19 1. This is an action for defamation per se and false light invasion of  
20 privacy arising from a knowingly false statement of fact concerning plaintiff  
21 Francisco Ferreras Rodriguez (aka “Pipin” Ferreras) (“Ferreras”) made by  
22 defendants Netflix, Inc. (“Netflix”), Nolita Cinema (“Nolita”) and David M.  
23 Rosenthal (“Rosenthal”) in their motion picture entitled *No Limit* (“Film”). The Film  
24 is a thinly veiled account of the events surrounding the death by drowning of  
25 Ferreras’ wife, Audrey Anne Marie Mestre Ferreras (“Audrey”), in 2002. At that  
26 time, Ferreras and Audrey were the two most famous “no limit” free divers in the  
27 world, setting many records by descending to depths of over 500 feet without  
28 oxygen.

8677.3.1

2. Netflix, Nolita and Rosenthal (collectively, “Defendants”) made a deliberate decision for dramatic purposes to defame Ferreras by showing in the Film that he murdered Audrey by intentionally sabotaging the equipment that should have brought her back to the surface after a world record dive of 171 Meters (561 feet). In reality, Audrey’s death was an accident and Ferreras risked his life in a vain attempt to save her.

3. The Film seeks to present itself as a fictional work but a photograph of Audrey with her name and a reference of her death appear at the end of the Film, and there are a large number of striking similarities between the facts presented by the Film and the real life facts (save of course for the defamatory accusation that Ferreras deliberately killed Audrey). Thus, there can be no question that this defamatory statement is “of and concerning” Ferreras. This is further evidenced by the fact that many viewers reasonably concluded that Ferreras behaved in real life in the same way that the Gautier character behaves in the Film, and there was a storm of online abuse directed at him by viewers who believed that he had murdered Audrey. For Defendants to besmirch the reputation of a man who has had to live with the grief of losing his wife in such tragic circumstances is both cruel and highly offensive.

### PARTIES

4. Plaintiff Francisco Ferreras Rodriguez was and still is a citizen of both Cuba and the USA, and has resided in Cuba since 2020.

5. Netflix was and still is a corporation organized and existing under the laws of Delaware, and has its principal place of business in Los Gatos, California. It is a media giant which produces, develops, finances and distributes programming on a world-wide basis. In 2022, it had 74.3 million paying subscribers in the USA and 231 million worldwide, and total revenues of \$31.6 billion. It distributed the Film via online streaming to its subscribers worldwide.

6. Upon information and belief, Nolita was and still is a business entity, form unknown, that is organized and existing under the laws of France; its principal place of business is in Paris; it is engaged in the business of producing, developing, distributing and/or financing motion pictures; and it produced the Film.

7. David M. Rosenthal was and still is an individual who resides in California; he is a writer and director of films; and he wrote and directed the Film.

8. Defendants DOES 1 through 10 are individuals, partnerships or corporations whose existence Ferreras asserts but whose exact identity he has been unable to discover. DOES 1 through 10 were engaged in producing, developing, writing, editing, distributing and/or financing the Film.

### **JURISDICTION AND VENUE**

9. This Court has diversity of citizenship subject matter jurisdiction under 28 U.S.C. § 1332 because there is complete diversity among the parties, and the amount in controversy exceeds \$75,000.

10. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because Netflix is subject to the court's personal jurisdiction with respect to this action because its principal place of business is located in California, and because it has offices in this District at 5808 Sunset Boulevard, Los Angeles, California 90028; Rosenthal is domiciled in California; and Nolita is subject to personal jurisdiction in California.

11. Netflix, Rosenthal, and Nolita are all subject to personal jurisdiction in California. General jurisdiction exists over Netflix and Rosenthal because Netflix's principal place of business is in California and Rosenthal is domiciled in California. Special personal jurisdiction exists over Nolita because it engaged in a course of conduct in conjunction with the Film's creation, financing, production, and distribution generating certain minimum contacts with California sufficient to have purposefully availed itself of California law such that the exercise of California jurisdiction over Nolita is consistent with the Due Process Clause of the United

1 States Constitution and the California long-arm statute, Cal. Code Civ. Proc. §  
2 410.10.

### 3 FACTS COMMON TO ALL CAUSES OF ACTION

#### 4 Ferreras

5 12. Ferreras was born and raised in Cuba. His parents had a troubled  
6 marriage and divorced when he was young. He lived with his mother but she was  
7 rarely home and he was raised by his uncle and other relatives. He began  
8 spearfishing at an early age and became able to hold his breath underwater for  
9 exceptionally long periods of time. He began freediving in his 20's and became a  
10 professional and a champion, setting 21 world records during his career.

11 13. "No limit" freediving is a sport in which a weight is lowered on a wire  
12 cable from a boat to a predetermined depth; a device called a sled moves up and  
13 down the cable; the diver holds onto the sled at the surface; the weighted sled  
14 descends rapidly to a predetermined depth; when that depth has been reached, the  
15 diver discards the weights and opens a valve on a tank containing compressed air  
16 which inflates a lift bag and causes the sled to ascend rapidly to the surface with the  
17 diver holding on. The diver has no exterior oxygen supply and has to hold his/her  
18 breath for 2-3 minutes while experiencing enormous pressure from the weight of the  
19 water which compresses the lungs to the size of an orange.

20 14. Ferreras set his first world freediving record aged 27 and went on to set  
21 21 different world records. His last logged record dive reached a depth of 162  
22 meters (531 ft) in January 2000, and in 2003, he reached 171 meters (561 ft),  
23 matching the depth of Audrey's last dive. His success was attributable to two main  
24 factors: his abnormally large lung capacity of 8.2 litres (about twice the capacity of  
25 a normal person) and his ability to slow down his heart rate to 20 beats a minute.

#### 26 Audrey

27 15. Audrey Mestre was a French citizen who was born in France in 1974.  
28 In 1996, she was studying marine biology at university and was already an



1 accomplished scuba diver and a certified Dive Master, but had not free dived. She  
 2 was a beautiful, athletic young Caucasian woman with long brown hair reaching  
 3 midway down her back. She became interested in Ferreras as a result of her studies  
 4 and chose to study his extraordinary lung physiology as the subject for her thesis.  
 5 When she heard that he was going to be attempting a world record dive not far from  
 6 her university, she travelled there. She met one of the divers on Ferreras' dive team  
 7 and was invited to join the team for dinner at a restaurant. Audrey and Ferreras were  
 8 immediately attracted to each other. His female companion noticed this and  
 9 jealously stormed out of the restaurant.

10 16. Audrey and Ferreras began a love affair that night. She abandoned her  
 11 university studies and began living with Ferreras. She started freediving with him  
 12 acting as her instructor. She was very successful and within a year or two, they  
 13 became a regular record-breaking, dividing men and women's freediving records  
 14 between them. They married in 1999 and attracted widespread favorable public  
 15 interest.

16 17. In 2000, Audrey broke the female world freediving record by reaching  
 17 125 meters (410 feet) and in 2001, she broke her own record by reaching 130 meters  
 18 (427 feet). But on August 17, 2002, an attractive Anglo-American woman with  
 19 blonde hair called Tanya Street set a new freediving world record for men as well as  
 20 the women with a dive of 160 meters (525 feet).

### 21 Audrey's Death

22 18. Around this time, Ferreras had started to experience blackouts  
 23 underwater and he took a break from diving based on medical advice. He proposed  
 24 to Audrey that she attempt a new freediving world record and she agreed. On  
 25 October 4, 2002, Audrey made a practice dive off Bayahibe Beach in the Dominican  
 26 Republic to a record depth of 166 meters (545 feet). On October 12, 2002, she was  
 27 to attempt a world record dive to 171 meters (561 feet). Members of the dive team  
 28 prepared her dive equipment but Ferreras did the final check of the equipment,

1 including a check to make sure that there was compressed air in the air tank. He  
 2 determined that it did contain compressed air but he did not use a pressure gauge to  
 3 see how much air was in it.

4 19. Audrey descended to 171 meters but when she opened the valve on the  
 5 air tank to inflate the lift bag, the sled did not rise. A safety diver was stationed at  
 6 that depth. He managed to get the sled to start the ascent but it only rose slowly.  
 7 When he realized that there was something wrong, Ferreras put on scuba gear and  
 8 dove down to 90 feet at great personal risk to himself – a rapid descent to that depth,  
 9 followed by a rapid ascent, could be fatal for some people. Around the 90 feet mark,  
 10 he met one of the safety divers bringing Audrey’s unconscious body up towards the  
 11 surface. Ferreras took over and brought her body up to the surface as fast as  
 12 possible, i.e., at great risk to himself, but it was too late. A dive that should have  
 13 lasted no more than three minutes resulted in her remaining underwater for more  
 14 than eight and a half minutes, and though she still had a heartbeat when she reached  
 15 the surface, she was pronounced dead at a hospital on shore.

16 20. A report by the authorities in the Dominican Republic concluded that  
 17 her death was accidental, as did a more detailed report prepared by the International  
 18 Association of Free Divers (“IAFD”), which relied on a report by Kim McCoy and  
 19 on interviews and observations conducted directly by the IAFD team. Mr. McCoy is  
 20 a physical oceanographer and diver with decades of experience. He has certified  
 21 numerous world record free-dive attempts and was present for Audrey’s final dive.  
 22 He is affiliated with Ocean Sensors, which specializes in the design and  
 23 manufacture of oceanographic and water-quality instrumentation and provides high  
 24 resolution electronic data to measure the precise depth, velocity and duration of  
 25 dives. Audrey wore an Ocean Sensors computer during the dive which provided  
 26 ‘flight-recorder-like’ information.

27 21. The conclusions reached by Mr. McCoy and the IAFD were very  
 28 similar, finding that Audrey’s death was the result of a combination of several

1 factors. One factor was the new, thinner diameter cable used in this dive which was  
 2 intended to minimize friction with the sled; however, the reduced weight of the new  
 3 cable combined with a different type of weight at the bottom allowed the cable to  
 4 move sideways in the current. Another was the stormy weather on October 12, with  
 5 waves that exacerbated the movement of the cable. Another was a Teflon bushing  
 6 installed to reduce friction between the cable and the sled which appears to have  
 7 been damaged during a training dive and may have caused the sled to stop. Another  
 8 was that the bottom weight was made of concrete instead of the usual lead, and  
 9 because concrete has a lower density, this increased the sideways drift of the cable.  
 10 And another was that wings were fitted to the camera on the sled in order to keep it  
 11 from rotating, but this created a lateral force. As a result of these factors, neither the  
 12 descent nor the ascent was completely vertical, and the sled was forced to advance  
 13 on a slight incline with several stops. Mr. McCoy found that this incline caused  
 14 some “hydrodynamic instabilities at low speeds”, which in turn led to a braking of  
 15 the lift bag on the slightly slack cable, exacerbated by surface wave movement.

16 22. The final factor they identified was that the lift bag appears to have  
 17 provided inadequate lift, which suggests that it was either inadequately inflated or  
 18 that it leaked. It is possible that the air tank used for lift bag inflation was not fully  
 19 filled, but this factor alone would not have been responsible for all the difficulties  
 20 encountered. There appears to have been some air in the air tank because the sled  
 21 did rise a little when Audrey first opened the valve, and the safety diver at the  
 22 bottom recognized what was happening and added some gas to the lift bag at the  
 23 beginning of the ascent. The lift bag, upon inspection after the accident, did show a  
 24 section of wear that could have been the cause of some leaking, but the amount of  
 25 air that would have leaked was not enough to have significantly affected the  
 26 performance of the sled. The air tank was inspected after the dive and showed no  
 27 signs of damage or leaking.

28

23. Ferreras' great success in freediving world had generated considerable jealousy in others and he was the subject of much criticism after the accident. Some said that he should have arranged for more safety divers to be in the water with Audrey, or he should have provided more safety equipment, or he should have used a pressure gauge to check that her air tank was full before the dive. Others pointed to the fact that there was no doctor in the support boat. But no one has suggested that Ferreras deliberately killed Audrey. Ferreras and Audrey were a happy couple who were very much in love. Ferreras had no reason to kill his wife, and in fact risked his own life to try and save her. However, the truth was not sufficiently dramatic for Defendants who falsely portrayed the marriage as deeply troubled and Ferreras as a mean, narcissistic man who cheated on his wife and murdered her because she was threatening to leave him.

### The Film

24. The Film begins with the credit, "Netflix presents" and states that it is "inspired by real events." Netflix's description of the film for promotional purposes is "[a]n extraordinarily talented young woman finds deep, destructive love with her record-holding freediving instructor in this visually arresting romantic drama." It was released worldwide by Netflix on September 9, 2022, and held the prestigious the No. 1 spot in Netflix's weekly list of top 10 non-English films worldwide for its first two weeks, with 13.5 million watch hours between September 5-11, 2022, and 25.4 million watch hours between September 12-18, 2022.

25. The first scene shows a young girl, aged about 12, on a beach being handed a snorkel, mask and flippers by an older man, perhaps her grandfather, and then swimming underwater with turtles and fish. The underwater scene continues but the younger actress is replaced by an older actress in her twenties. The older actress, Camille Rowe, remains in the Film. The name of her character is Roxana Aubrey ("Roxana"), i.e., Defendants decided to give her a last name which is almost

1 identical to Audrey's first name. She is a beautiful, athletic young French woman in  
2 her 20's with long brown hair reaching midway down her back.

3 26. In the next scene, Roxana is shown as a university student in a lecture  
4 about marine biology and, in particular, about the effect of deep diving on human  
5 lungs. Outside the lecture hall, she sees a poster advertising a diving course by  
6 "world champion Pascal Gautier." She travels to the location, meets one of Gautier's  
7 diving team and takes the course, during which she meets Gautier. He is played by a  
8 36 year old actor called Sofiane Zermani. Ferreras was 34 years old when he first  
9 met Audrey. He and Zermani are both men of medium height with dark  
10 complexions and athletic physiques.

11 27. One of the dive team members invites Roxana to join him and the rest  
12 of the team for dinner at a restaurant that evening. She and Gautier are immediately  
13 attracted to each other. Gautier's girlfriend sees this and becomes angry and leaves.  
14 Roxana and Gautier start a love affair. She abandons her studies and begins to live  
15 with Gautier, accompanying him on dive expeditions.

16 28. Gautier continues to pursue new world records but he starts blacking  
17 out underwater and he visits a doctor who advises him to stop diving. He decides to  
18 stop for a while and proposes that Roxana starts trying to set records instead of him.  
19 He becomes her instructor. She sets a national record in her first competition, but an  
20 attractive American woman with blonde hair called Naomi Clark dives to 178  
21 meters, setting a new world freediving record for men as well as the women.

22 29. Gautier reacts angrily to Clark's record setting dive and storms out of  
23 the awards ceremony. Afterwards, he and Roxana argue. During the argument, he  
24 tells her that his father beat his mother and left the family when he was five. His  
25 mother left too. He showed her a picture of himself as a child with his uncle, whom  
26 he described as having raised him and taught him how to spearfish, and says that he  
27 has set 25 world records.

30. Their relationship deteriorates. She gets drunk and confides to Tom, one of the dive team members whom she likes, that Gautier is cheating on her. That evening, Roxana and Gautier have another row and he leaves. She follows him and sees him going into an apartment and embracing another woman, who is identified in the credits as Anna. Roxanna is upset and goes to Tom's apartment where she spends the night. She does back to Gautier's apartment in the morning. He is waiting for her. They have another row. She says she is leaving and starts packing. He apologizes and she eventually decides to stay.

31. Roxana resumes training for a world record attempt but the problems between them continue. In one scene, he surreptitiously looks at her phone and sees a romantic text message from Tom. In another, they give a press conference together, with several questions directed to them as the glamor couple of freediving, but Anna joins the audience and Gautier winks at her. Roxana is upset and abruptly leaves the press conference. In the next few scenes, she is shown alone and highly distraught. Their relationship is clearly in deep trouble.

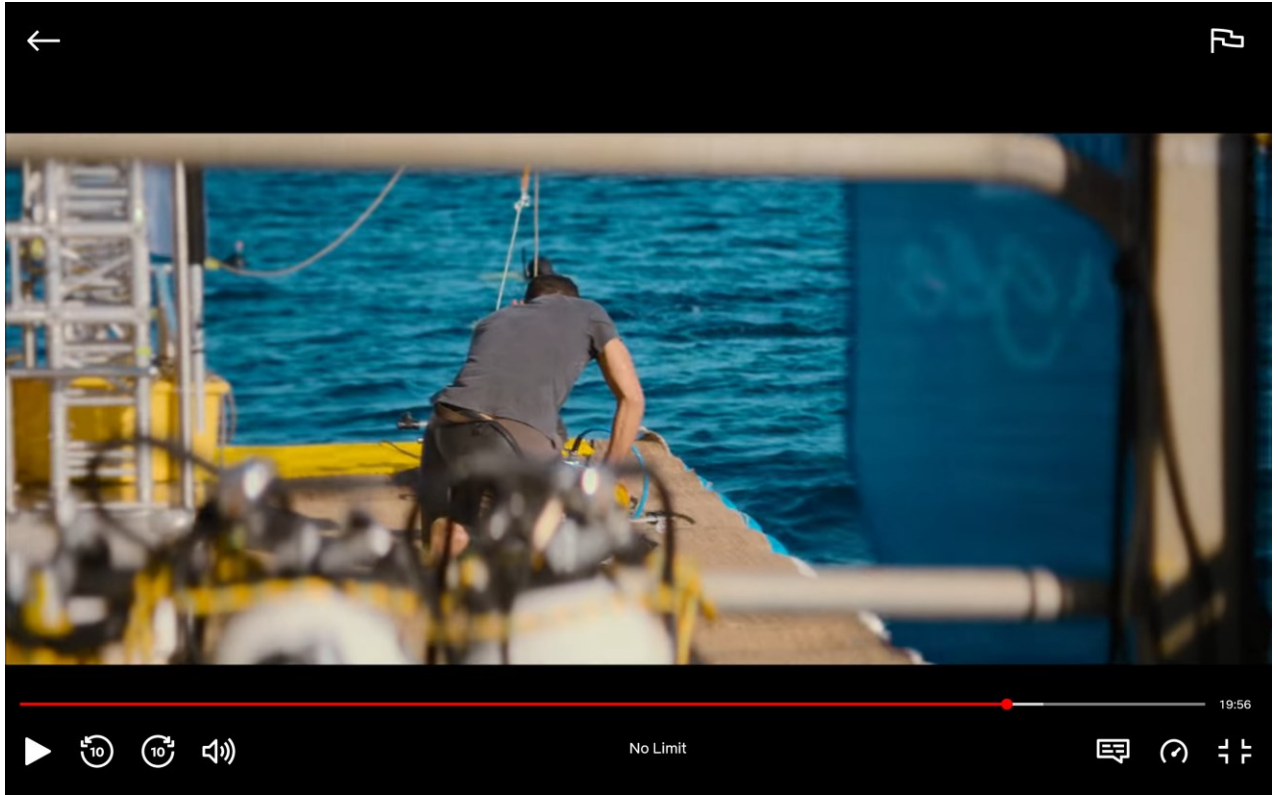
32. The next day, Roxana is at a diving competition in the Caribbean where she will attempt to set a new record with a dive of 180 meters. Gautier leads a pre-dive meeting and asks the team about the status of her equipment. One of the team members, Sasha, says at -22:15<sup>1</sup> that "the containers are full and ready." Tom is then shown (beginning at -21:45) checking the air tanks on the sled with a pressure gauge when Gautier comes over and stands close to him. The camera lingers on Gautier's face as he enigmatically watches what Tom is doing without speaking. It is as if a plan is formulating in his head. He then goes to sit with Roxana who is nervous, but he says nothing to reassure or calm her.

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<sup>1</sup> "-22.15" means that the scene occurred about 22 minutes 15 seconds before the end of the Film. The same format is used elsewhere in this Complaint. These times are approximate.



1 33. In the next scene at -19.56, Tom is in a different part of the boat  
 2 checking the safety divers' gear. He looks back to where he was before, and sees  
 3 Gautier, with his back to the camera, bending over the sled and working something  
 4 with his left arm.



18 34. He walks over and asks Gautier, "Everything OK?" "Just checking it,"  
 19 replies Gautier. "Steph (the head of the dive team) and I already did the final  
 20 check," says Tom. Gautier says he's aware of that and asks Tom to help him get the  
 21 sled into the water, which they do together. Roxana is shown in the water, about to  
 22 dive. Gautier is in the water next to her and saying nothing, he kisses her goodbye.

23 35. She starts her dive and reaches the bottom without incident. She then  
 24 turns to the valve on the air tank but nothing happens. Tom, who is the safety diver  
 25 at that depth, tries to help, but the lift bag does not inflate. The sled starts to ascend,  
 26 but only slowly. She blacks out and lets go of the sled, floating motionless at a great  
 27 depth. When the sled reaches the surface, the crowd realizes that she is not with it.



1 Divers immediately go down to find her, but Gautier, even though he has a wet suit  
2 on, is not one of them. A stopwatch shows that she has been underwater for over 8  
3 minutes. When she is brought to the surface, attempts are made to revive her but  
4 they fail and she dies.

5 36. Tom is interviewed by the police and tells them that he and Steph had  
6 checked the air tank and the lift bag before the dive, and that the air tank was “full  
7 and functional.” But the viewers know that when Roxana tried to open the valve, it  
8 was empty. One of the policemen asked him what he thinks happened to “all that  
9 air.” Tom does not answer, but his face on the screen is replaced by Gautier’s. The  
10 implication is blindingly obvious – it was Gautier who emptied the air tank.

11 37. At -6:34 at the end of the Film just before the credits, a photograph of  
12 Audrey appears with the words “In memory of Audrey Mestre, 1974-2002,”  
13 followed by the words, “Audrey tragically died on October 12, 2002, in the  
14 Dominican Republic while attempting to break the world record at 171 meters.”



38. A standard disclaimer that the Film is fictional follows, with the message, “Any resemblance with reality is coincidental.” These words constitute a flat out lie – the Defendants intentionally made a Film that is very closely based on Ferreras and Audrey and on the events leading up to Audrey’s death.

### **FIRST CLAIM FOR RELIEF**

#### **(Defamation Per Se)**

39. Ferreras incorporates under this first cause of action all of the prior paragraphs in this Complaint.

#### **The Defamatory Statement**

40. This cause of action arises from one false statement of fact, namely, that the Film falsely states or implies that Ferreras intentionally sabotaged Audrey’s equipment by surreptitiously releasing most of the air from her air tank before the dive so that when she opened the valve at the bottom of the dive, the lift bag did not fully inflate and pull her back up to the surface, and as a result, she died. In other words, it falsely states or implies that Ferreras intentionally caused his wife’s death, which constitutes murder (the “Defamatory Statement”).

41. The Defamatory Statement is contained in or implied from the following factors:

a) At a meeting before Roxana’s last dive, Sasha states or implies that the air tank has been checked and is full and ready;

b) Tom later tells Gautier that he and Steph had already done the final check of the air tank;

c) Tom checks the air tank on the sled with a pressure gauge, which implies that he had double checked and confirmed that the tank was full;

d) After Tom finishes checking the equipment on the sled, he moves to another part of the boat and starts to check the safety divers’ equipment; when he looks up, he sees Gautier with his back to Tom, bending over the sled and working something with his left arm; and

1 e) After Tom walks over to find out what Gautier is doing, they place the  
2 sled (to which the air tank is attached) in the water.

3 42. The viewers are not shown what Gautier is doing when Tom sees him  
4 bending over the sled, nor are they told how long Gautier has been there, but when  
5 Roxana discovers at the bottom of her dive that her air tank is empty, any reasonable  
6 viewer would conclude, based on these facts and the context on which they appear,  
7 that Gautier was deliberately emptying the tank when Tom saw him.

8 43. The Defamatory Statement must be construed in the context of the  
9 following statements or implications in the Film: (a) Gautier is incensed that Naomi  
10 Clark has broken his record and is jealous that Roxana may set a new record instead  
11 of himself; (b) Roxana is threatening to leave him because he has been unfaithful to  
12 her; (c) he knows that she has been unfaithful to him; (d) their relationship is in deep  
13 trouble; (e) he is a mean, narcissistic and unpleasant man; (f) at the end of the Film  
14 when one of the policemen asked Tom what he thinks happened to “all that air” in  
15 the tank - Tom does not answer, but his face on the screen is replaced by Gautier’s -  
16 the implication is obvious, namely, that it was Gautier who emptied the air tank; (g)  
17 after Tom comes back to find out what Gautier is doing, they place the sled in the  
18 water which means that no further inspection of the air tank can be performed, and  
19 Gautier’s sabotage would not be discovered; and it eliminates the possibility that  
20 someone else could have emptied the air tank – under this sequence of events, it  
21 could only have been Gautier; (h) Gautier does not assist in efforts to rescue  
22 Roxana; and (i) when Tom goes to the airport at the end of the Film, he sees Gautier  
23 who smirks at him in a way that could be implied as showing guilt.

24 44. The Defamatory Statement is false because Ferreras did not sabotage  
25 Audrey’s equipment by releasing air from the tank before her dive, i.e., he did not  
26 murder Audrey.

27 45. The Defamatory Statement is defamatory because it tends to expose  
28 Ferreras to public contempt, ridicule, aversion or disgrace, or to induce an evil

1 opinion of him, and it is defamatory per se because its import is apparent from the  
2 face of the Film without resort to any other source, and it states that he committed  
3 the crime of murder.

#### 4 **The “Of And Concerning” Factors**

5 46. The Film is a thinly disguised portrayal of Ferreras and Audrey and the  
6 events leading to Audrey’s death. In his treatise *Law of Defamation*, Professor  
7 Rodney Smolla has the following advice for any writer who wishes to draw from a  
8 real person as the basis for a fictional character: “When an author wishes to draw  
9 from a real person as the basis for a fictional character, there are two relatively  
10 ‘safe’ courses of action from a legal perspective: First, the author may make little or  
11 no attempt to disguise the character, but refrain from any defamatory and false  
12 embellishments on the character's conduct or personality; second, the author may  
13 engage in creative embellishments that reflect negatively on the character's  
14 reputation, but make substantial efforts to disguise the character, by changing name,  
15 age, geographic setting, personality, occupation, or other factors sufficiently to  
16 avoid identification. When an author takes a middle ground, however, neither  
17 adhering perfectly to the real person's attributes and behavior nor engaging in  
18 elaborate disguise, there is a threat of defamation liability.” Smolla, 1 *Law of*  
19 *Defamation* § 4:48 (2d ed.).)

20 47. Defendants have chosen to occupy that middle ground by portraying  
21 Ferreras as Gautier, as evidenced by their inclusion of the following multiple  
22 striking similarities between the Film and real life:

- |   |  |
|---|--|
| 23 a) Ferreras’ parents had a troubled marriage. He was raised by his | Gautier’s parents had a troubled       |
| 24 uncle and other relatives. He                                      | marriage and abandoned him. He was     |
| 25 began spearfishing at an early                                     | raised by an uncle who taught him how  |
| 26 age.   | to spearfish.                          |
| 27 b) When he met Audrey, Ferreras                                    | Gautier is a champion “no limits” free |
| 28 was a champion “no limits” free                                    | diver who tells Roxana that he has set |
| diver who set 21 world records.                                       | 25 world records.                      |

- 1 c) When he met Audrey, Ferreras  
2 was a 34 year old man of  
3 medium height with a dark  
4 complexion and an athletic  
5 physique.  
6 d) Before she met Ferreras, Audrey  
7 was a university student studying  
8 marine biology who chose  
9 Ferreras' lung physiology as the  
10 subject of her thesis.  
11 e) Audrey was a beautiful, athletic  
12 young French woman in her 20's  
13 with long brown hair reaching  
14 midway down her back.  
15 f) Audrey was already an  
16 accomplished diver when she  
17 met Ferreras, but she was not a  
18 free diver.  
19 g) When Audrey read that Ferreras  
20 was going to be diving not far  
21 from her university, she travelled  
22 there in order to meet him.  
23 h) Audrey met one of the divers on  
24 Ferreras' dive team and was  
25 invited to join the team for  
26 dinner at a restaurant. She and  
27 Ferreras were immediately  
28 attracted to each other. Ferreras' girlfriend noticed and jealously stormed out of the restaurant. Audrey and Ferreras began a love affair that night.
- Gautier is played by an actor called Sofiane Zermani, who was aged 36 when the Film was shot, and is a man of medium height with a dark complexion and an athletic physique. At the beginning of the Film, Roxana is a university student studying marine biology and, in particular, about the effect of deep diving on human lungs.
- Roxana is played by an actress called Camille Rowe who is a beautiful, athletic French woman in her 20's with long brown hair reaching midway down her back. Roxana was already an accomplished diver when she met Gautier, but she was not a free diver.
- When she reads a poster advertising a diving course by "world champion Pascal Gautier," Roxana travels to that location to meet him. One of the dive team members invites Roxana to join him and the rest of the team at a restaurant that evening. She and Gautier are attracted to each other immediately. Gautier's girlfriend sees this and becomes jealous and leaves. Roxana and Gautier begin a love affair that night.
- Roxana abandons her university studies and begins to live with Gautier.
- Gautier experienced blackouts underwater and took a break from diving based on medical advice.
- Roxana started freediving with Gautier
- i) Audrey abandoned her university studies and began living with Ferreras.
- j) Ferreras experienced blackouts underwater and was taking a break from diving based on medical advice.
- k) Audrey started freediving with

- 1 Ferreras acting as her instructor.
- 2 l) Audrey was very successful and Audrey sets a new national record in
- 3 within a year or two, they her first competition. She and Gautier
- 4 became recognized as the appear at a joint press conference
- 5 preeminent record-setting couple where they are presented as a record-
- 6 in the sport of freediving. setting freediving couple.
- 7 m) Shortly before Audrey's death, Shortly before Roxana's death, an
- 8 an attractive Anglo-American attractive American woman with
- 9 woman with blonde hair called blonde hair called Naomi Clark sets a
- 10 Tanya Street set a new new freediving world record for men as
- 11 freediving world record for men well as the women with a dive of 178
- 12 as well as the women with a dive meters.
- 13 of 160 meters.
- 14 n) Ferreras is unable to dive Gautier is unable to dive because of his
- 15 because of his blackouts and he blackouts and proposes that Roxana
- 16 proposes that Audrey attempt a attempt a new freediving world record
- 17 new freediving world record for for both men and women. She agrees.
- 18 both men and women. She
- 19 agreed.
- 20 o) Audrey makes her record Roxana makes her record attempt in
- 21 attempt in the Dominican the Caribbean.
- 22 Republic which is in the
- 23 Caribbean.
- 24 p) Audrey achieves her target dive Roxana achieves her target dive depth
- 25 depth of 171 meters, but when of 180 meters, but when she opens the
- 26 she opens the valve on her air valve on her air tank, the tank does not
- 27 tank, the tank does not contain contain enough air to inflate the lift bag
- 28 enough air to inflate the lift bag and the sled does not carry her back up
- and the sled does not carry her to the surface.
- back up to the surface.
- q) There is a safety diver at the There is a safety diver at the target
- target depth but he is unable to depth but he is unable to inflate the lift
- inflate the lift bag and though he bag and though he tries to carry her up
- tries to carry her up towards the towards the surface, he cannot take her
- surface, he cannot take her up up the whole way because of
- the whole way because of decompression.
- decompression.
- r) Audrey is underwater for at least Roxana is underwater for at least 8 ½
- 8 ½ minutes.
- s) Attempts are made to revive Attempts are made to revive Roxana
- Audrey when she reaches the when she reaches the surface, but



- 1 surface, but without success and without success and she is taken by  
 2 she is taken by boat to the shore. boat to the shore.  
 3 t) Audrey dies. Roxana dies.  
 4 u) Roxana's last name (Aubrey) is  
 5 almost identical to Audrey's first  
 6 name.  
 7 v) Gautier's first name, Pascal, is  
 8 similar to Ferreras' nickname,  
 9 "Pipin."  
 10  
 11

12 48. At the end of the Film just before the credits, a screen appears with a  
 13 photograph of Audrey and the words "In memory of Audrey Mestre, 1974-2002"  
 14 followed by the words "Audrey tragically died on October 12, 2002, in the  
 15 Dominican Republic while attempting to break the world record at 171 meters."  
 16

17 49. Based on these striking similarities and admission at the end that the  
 18 Film is indeed a portrayal of Ferreras and Audrey and the events leading to  
 19 Audrey's death, many viewers of the Film reasonably concluded that Ferreras  
 20 behaved in real life in the same way that Gautier is portrayed as behaving in the  
 21 Film. This is corroborated by the storm of abuse that was directed at Ferreras after  
 22 the Film was released, with many posts abusing him for killing his wife.  
 23

### 24 **Actual Malice**

25 50. The Defamatory Statement was made by Defendants with actual  
 26 malice, defined as knowledge of falsity or reckless disregard for truth or falsity.  
 27 Because media defendants never openly confess to publishing or broadcasting with  
 28 actual malice, proof thereof may plausibly be inferred from indirect and  
 circumstantial evidence, considered in its totality. As the United States Supreme  
 Court explained in *Herbert v. Lando*, 441 U.S. 153, 164 n. 12 (1979): "The  
 existence of actual malice may be shown in many ways. As a general rule, any  
 competent evidence, either direct or circumstantial, can be resorted to, and all the  
 relevant circumstances surrounding the transaction may be shown, provided they are  
 not too remote, including threats, prior or subsequent defamations, subsequent



1 statements of the defendant, circumstances indicating the existence of rivalry, ill  
 2 will, or hostility between the parties, facts tending to show a reckless disregard of  
 3 the plaintiff's rights . . ." Defendants' actual malice may plausibly be inferred from  
 4 the following facts.

5       51. The many strong similarities between the Film and real life events  
 6 establish that Defendants had researched the facts of Audrey's and Ferreras' lives  
 7 and of the facts surrounding Audrey's death in considerable detail and/or shared the  
 8 results of that research with each other. Thus, they knew the truth about the subject  
 9 matter of the Film, and where it departs from the truth, it was because they had  
 10 intentionally decided to do so. Thus, Defendants knew that the Defamatory  
 11 Statement was false or acted with a reckless disregard of Ferreras' rights. No further  
 12 evidence of actual malice is required. But such evidence exists.

13       52. There is no evidence that Ferreras emptied Audrey's air tank before her  
 14 last dive, deliberately or otherwise.

15       53. There is no reasonable basis to believe that Ferreras emptied Audrey's  
 16 air tank before her last dive, deliberately or otherwise. Ferreras risked his own life  
 17 by entering the water and diving deeply to attempt to rescue Audrey, whereas the  
 18 Film depicts Ferreras as not participating in Audrey's rescue attempt at all.

19       54. Though Ferreras has been criticized for not taking sufficient  
 20 precautions to prevent Audrey's death, no one has ever suggested that he  
 21 deliberately emptied Audrey's air tank before her last dive.

22       55. The reports by the IAFD and Mr. McCoy which are summarized above  
 23 contain a comprehensive account of what occurred, and list a number of possible  
 24 causes for Audrey's death, but neither of them suggests that Ferreras deliberately  
 25 emptied Audrey's air tank before her last dive.

26       56. In June 2003, Sports Illustrated published an article entitled *Rapture of*  
 27 *the Deep* by its award-winning journalist, Gary Smith, which is an authoritative  
 28 account of the relationship between Ferreras and Audrey and of her death. It was

1 publicly available to Defendants at [https://vault.si.com/vault/2003/06/16/rapture-](https://vault.si.com/vault/2003/06/16/rapture-deep-carried-away-love-risk-and-each-other-two-worlds-best-freedivers-went-limits-their)  
 2 [deep-carried-away-love-risk-and-each-other-two-worlds-best-freedivers-went-](https://vault.si.com/vault/2003/06/16/rapture-deep-carried-away-love-risk-and-each-other-two-worlds-best-freedivers-went-limits-their)  
 3 [limits-their](https://vault.si.com/vault/2003/06/16/rapture-deep-carried-away-love-risk-and-each-other-two-worlds-best-freedivers-went-limits-their) and a copy is attached hereto marked Exhibit 1. Thus, when Defendants  
 4 made the decision to research the underlying facts, they are charged with knowledge  
 5 of the facts in that article and the IAFD and McCoy reports, and their decision to  
 6 depart from those facts was either intentional or reckless.

7 57. The facts pled above are sufficient in themselves to raise the plausible  
 8 existence of actual malice in the overall and cumulative portrayal of Ferreras by  
 9 Defendants, examining the Film as a whole. The facts reveal a deliberately callous  
 10 decision by Defendants to enhance the dramatic impact of the Film by portraying  
 11 Ferreras falsely and negatively, a decision made with knowledge of falsity or  
 12 reckless disregard for truth or falsity. This decision was made by the producers,  
 13 executives, writers, editors and/or directors working for Defendants who were  
 14 responsible for the defamatory content of the Film.

15 58. The magnitude of the harm to Ferreras caused by the Defendants’  
 16 defamation has been extraordinary by any plausible measure. The Film has been  
 17 viewed by millions of people around the world, and as a result of Defendants’ false  
 18 portrayal of him as a despicable person, he has been subjected to a torrent of online  
 19 abuse, with people calling him a “monster” and a “killer,” and telling him that “You  
 20 are a murderer! You killed Audrey Mestre!” “You should be in the prison, murderer.  
 21 Hope you rot inside and get your punishment. No one has the right to take another  
 22 person's life” - “Monster! Cheated on his wife and killed out of envy” – “More than  
 23 a legend, he is a murderer! And now everyone knows it!” This has caused him  
 24 personal humiliation, distress, and anguish, as well as damages to his earnings  
 25 and/or potential earnings.

26 59. In pleading and establishing actual malice, Ferreras is entitled under  
 27 First Amendment standards to recover actual and presumed damages. As a  
 28 proximate result of the foregoing, he has suffered actual and presumed damages in

1 an amount according to proof at trial but in any event in excess of the jurisdictional  
 2 threshold of this Court.

3 60. Defendants' conduct as described herein was done with a conscious  
 4 disregard of the rights of Ferreras, with the intent to maliciously vex, annoy, and/or  
 5 harass him, and with motives of fraud and oppression exploiting him for its personal  
 6 gain. Such conduct was unauthorized and constitutes oppression, fraud, and/or  
 7 malice, entitling Ferreras to an award of punitive damages in an amount appropriate  
 8 to punish or set an example of Defendants in an amount to be determined at trial.

9 61. The meaning conveyed by the false statement will, if published again,  
 10 continue to cause Ferreras great and irreparable damage, and injunctive relief will be  
 11 necessary to prevent and restrain continued dissemination of the statement. He is  
 12 entitled to an injunction requiring Defendants, their agents and all persons acting in  
 13 concert with it to desist from continuing to make the Defamatory Statement, and to  
 14 remove it from the Film.

## **SECOND CLAIM FOR RELIEF**

### **(False Light Invasion Of Privacy)**

15 62. Ferreras repleads and incorporates by reference all the paragraphs in  
 16 this Complaint above. He does not seek a "double recovery" by pleading parallel  
 17 false light and defamation per se claims, but asserts them as alternative theories of  
 18 liability. For his defamation per se cause of action, Ferreras must plausibly allege  
 19 defamatory meaning. For this false light claim, he need not prove that the statement  
 20 made by Defendants was defamatory, but only that it was highly offensive to a  
 21 reasonable person.  
 22  
 23

24 63. The key elements necessary to state a false light claim are (1) the  
 25 publication or broadcast of a false statement of fact that places the plaintiff in a false  
 26 light in the public eye; (2) if the plaintiff is a public figure, a demonstration by clear  
 27 and convincing evidence that the statement was published or broadcast with "actual  
 28

malice,” and (3) a demonstration that the publication or broadcast of the falsehood would be deemed “highly offensive to a reasonable person.”

64. The first two elements of the false light tort described above are identical to parallel elements for defamation. In that limited sense false light and defamation overlap, and the failure to prove an element of an overlapping element of one necessarily also defeats the other. Thus, both torts require falsity, and both torts require, at least for public figures, actual malice. Both elements are satisfied by the facts pled herein.

65. The third crucial element of the false light tort, however, is not identical to defamation, and the Supreme Court of the United States has differentiated the two torts on this ground. Unlike defamation, which requires proof of injury to reputation, false light does not require proof of defamatory harm. The false light tort substitutes for the defamation element requirement of damage to reputation the requirement that the plaintiff in a false light establish that the falsehood would be highly offensive to a reasonable person. In this case, the Defamatory Statement would be highly offensive to a reasonable person.

66. As a proximate result of the foregoing, Ferreras has suffered damages in an amount according to proof at trial but in any event in excess of the jurisdictional threshold of this Court, and seeks actual and presumed damages.

67. Defendants' conduct as described herein was done with a conscious disregard of the rights of Ferreras, with the intent to maliciously vex, annoy, and/or harass him, and with motives of fraud and oppression to exploit him for their personal gain. Such conduct was unauthorized and constitutes oppression, fraud, and/or malice, entitling Ferreras to an award of punitive damages appropriate to punish or set an example of Defendants in an amount to be determined at trial.

///

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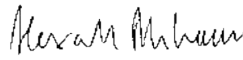
**PRAYER FOR RELIEF**

WHEREFORE, Ferreras prays for relief against Defendants, and each of them, as follows:

1. For actual and presumed damages;
2. For punitive damages;
3. For temporary, preliminary, and permanent injunctive relief, restraining and enjoining Defendants, their agents and all persons acting in concert with them from continuing to make the Defamatory Statement, and to remove them from the Film;
4. For costs of suit; and
5. For such further relief as the Court deems just and proper.

DATED: March 28, 2023

RUFUS-ISAACS ACLAND &  
GRANTHAM LLP

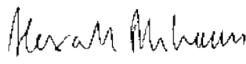
By:   
Alexander Rufus-Isaacs  
Attorneys for Plaintiff FRANCISCO  
FERRERAS RODRIGUEZ

**DEMAND FOR JURY TRIAL**

Plaintiff Francisco Ferreras Rodriguez hereby demands trial by jury on all issues triable by a jury.

DATED: March 28, 2023

RUFUS-ISAACS ACLAND &  
GRANTHAM LLP

By:   
Alexander Rufus-Isaacs  
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# EXHIBIT 1



JUNE 16, 2003

## *RAPTURE OF THE DEEP*

CARRIED AWAY BY LOVE—FOR RISK AND FOR EACH OTHER—TWO OF THE WORLD'S BEST FREEDIVERS WENT TO THE LIMITS OF THEIR SPORT. ONLY ONE CAME BACK

GARY SMITH •

A man walked down the street in Miami Beach the other day. He appeared preoccupied, a bit hurried, as you might be too if you were about to take a risk that no man ever had.

He had a bronze shaved head, a set of wide and sloping shoulders and a vault for a chest, but it was his left leg that left a question in his wake. Emblazoned on his calf was a rainbow-colored tattoo of a topless mermaid inside a hammerhead shark.

There was a story behind it, of course. It was almost—oh, if only it were—a myth. It was full of mystery and death, magical twists and turns, but whenever it twisted and turned too much, one had only to remember the simple question that began it: What's the half-naked woman doing inside the hammerhead shark?

We could start with the risk. With a man slipping into the ocean next month off Miami Beach, about to enter a trap where he can't breathe, speak, see or smell. A man atop a 56-story building who's heading all the way down to the cellar, then back to the roof, only the building is water, all water, and he has no scuba tank. And no wife, because she never returned from the trap. And no sleep, because of his anguish and the media and Internet firestorms over his role in her death, and the resulting lawsuit. Yes, we could start by asking how it happens that the *last* thing a man in the midst of such grief should be doing becomes his only way out of it and why—here, today, a few billion years into the evolution of life on earth—we've come to this, the ritualized risking of death: *extreme sports*.

But I've always felt it's better to start with the half-naked woman.

Fully clothed, at this point, of course. Twenty-one years old. Staring in disbelief at a poster at a university in La Paz, Mexico, seven years ago. *Him*. There. On the poster. The centerpiece of her marine-biology thesis on how the human body adapts to survive at extreme depths. The risk taker. Pi-PEEN, as Spanish speakers pronounced his nickname. Pipín Ferreras.

Who could Audrey Mestre turn to and tell what was stirring inside her? Look, that's him, this legendary Cuban she'd been up all night reading about for months, this guy who could fill his lungs with 8.2 liters of air—nearly twice as much as a normal human being—and dive deeper than anyone else on earth; this guy who'd been in movies and TV shows and scientists' studies, this total stranger she'd started *dreaming* about and somehow. . .fallen in love with. Coming to Cabo San Lucas, the poster said, to attempt another world-record dive, just a few hours' drive away. What coincidence! No. That couldn't be. What *fate*.

She found herself on a bus packed with peasants and dogs and chickens, chugging toward Cabo. O.K., she wouldn't make a fool of herself. Wouldn't stay long, wouldn't act on this fantasy flitting through her head: the mermaid and the fish man.

She got off the bus, checked into a cheap hotel and headed toward the wharf. Amazing. Pipín was offering to give novices a couple of hours of instruction and then let them observe one of his training dives. It was like Michael Jordan's saying, "Anyone want to let me teach you to play ball, then stand under the basket and watch me scrimmage?" Audrey watched, close up, as he slid into the water and ventilated to prepare for his dive, his lungs and windpipe producing the sound of a bicycle tire being pumped with air: in with the oxygen he'd need to last for nearly three minutes and the 858 feet of water, round-trip, he hoped to cover. Out with the carbon dioxide and the thoughts that could kill him. Because where he was going, panic could burn up those 8.2 liters of air in seconds, emotion could devour them in a minute, and even a stray thought could stir his heartbeat and consume the oxygen he'd need to make those last few feet.

She watched him wrap his knees around the crossbar of an aluminum sled, close his eyes and raise one hand to the metal frame overhead: a religious posture. She knew by heart the religion's history, how man for centuries had been diving for sponge and fish and pearls until Raimondo Bucher, a Hungarian air force officer naturalized as an Italian citizen, dived 30 meters on a dare in 1949. With that act, man realized he could dive for something far more important than sponge or fish or pearls—he could dive for ego—and competitive freediving, or submerging without the aid of an air tank, was born.

Pipín took one last gulp of air, then vanished. But Audrey had absorbed her subject so completely that she could shut her eyes and see it all: The sled gathering speed, gliding down a cable anchored with a 100-pound weight, a contraption Pipín had helped devise so that he—and fewer than a dozen others in the world who dedicated themselves to No Limits, the most extreme of the freediving disciplines—could bore deeper and faster than legs and fins could propel him. Pipín flying past a few scuba divers stationed at intervals along the cable, safety assistants who could do only so much if trouble occurred, because you can't make an unconscious man breathe. Pipín letting water flood his nasal passages and ear tubes to stave off the searing pain and equalize the relentlessly increasing pressure that could rupture his eardrums. Pipín's heart rate slowing to 50. . .40. . .30. . .20 beats a minute, his lungs shriveling to the size of potatoes. His hand, when he reached the bottom, opening an air-tank valve that inflated a lift bag that would rocket him back up.

He burst through the surface in his neoprene wet suit, a missile from the abyss. He barely seemed to notice her.

Maybe she could go just a little deeper. Ask him a question or two, make her thesis shine. She watched from across the table as he sat beside his girlfriend, the blonde knockout, the jazz singer.

What good fortune that Pepe Fernandez, the chief of Pipín's safety divers, had gotten an eyeful of Audrey in her bathing suit and invited her to tag along with the crew for dinner and drinks. No. What fate.

The jazz singer rose to sing with her band. Audrey took a deep breath. She'd grown up just outside Paris, the only child of scuba-diving parents and the granddaughter of a champion spearfisherman, crazy for dancing and for water and for her dream of becoming an Olympic synchronized swimmer. But she'd contracted typhoid fever at 14 after her family moved to Mexico City, just as she entered her growth spurt, and it had left her with scoliosis and a spine that swerved like an S.

For four years she was trapped, pinched inside a hard plastic corset. Her right eyelid drooped and her vision went double as her bewildered body produced antibodies that could locate no infection and settled in her eye. She couldn't bear it, finally—all the wrecking of her body and her dream. She was found in the school bathroom, blood puddling from her slit wrists.

There was, she came to realize, one place where she could escape the trap. For hours each day in the summers she spent on the Mediterranean coast with her grandfather, she flung off the corset, strapped on the scuba tank and slipped into the sea, and everything again seemed possible. She swam through the fire of shame and came out the other side, a sweet and shy 18-year-old. In the pictures she sketched, she was a mermaid.

She stared at the empty seat beside the fish man as the jazz singer started to wail. Trembling, she began to ask him questions. Pipín purred. Who was this young beauty who seemed to know so much about him? Audrey glowed. He spoke of the sea as she had experienced it, a magical realm where a human might spring free from the prison of self. Somehow France came up, and he launched into a tirade about the arrogance of the French, then paused and asked Audrey what part of Mexico she was from.

"France," she said, smiling.

Suddenly, the undertow had her. That's what Pipín did: He grabbed time and love and destiny and yanked them in his wake. Suddenly they were heading back to her hotel together, Pipín anxious to atone for his blunder. Suddenly they were in her bed.

Suddenly the blonde jazz singer was packing the next day and leaving Pipín's hotel suite in a huff, and Audrey found herself in the woman's place. Suddenly she was on his boat a day later, kissing him after a training dive, when he bolted overboard—the safety diver whom

he'd just met and hired, Massimo Berttoni, hadn't resurfaced after going down to retrieve the sled. Suddenly she was staring at death, handling it with more calm than anyone in his crew. Suddenly she was at the dead man's post, with Pipín's life in her hands: She was his new safety diver at 197 feet.

Suddenly she was on the phone, calling her parents in Mexico City to ask them to retrieve her furniture and dog and clothes and car from her apartment because she'd decided to drop out of college and fly to Miami to live with her thesis subject, and her shell-shocked parents were jumping on a plane to Cabo to see if she'd come down with typhoid fever again, or something worse, and when they arrived and asked this man Pipín what the mad rush was, he replied, "I don't live by a compass. I go with the wind. If I don't take her with me, it will be painful, but I know I won't come back for her. The magic is right here. Right now. You can't kill the magic and bring it back to life."

Then he popped a world-record 429-foot dive and they flew away together.

How long could they last before one of them came up for air? She'd never even had a boyfriend. He believed that he'd been selected to go on a quest by an undersea god.

"People have always told me that God lives in heaven," he wrote in a book. "Yet, as much as I have tried, I have never been able to see him. I have seen that other God, the one that lives down in the deepest blue of the submarine abyss, where I descend. . . . He gave me the mission of showing all humans how to discover their aquatic potential. . . . He gave me the skills to descend at ease into his realm of darkness, where he always shows his face as pure light."

It was one thing to take the plunge with such a man. Two wives and a slew of girlfriends had, but none had gone down far enough, and none had stayed under. He became disillusioned, or in need of someone else's touch to soothe his restless, lonely heart. His eye would stray. Once he awakened soaked in rubbing alcohol beside a girlfriend, her eyes ablaze as she held a lighter over him and screamed, "Who is she? Tell me now!"

Now it was Audrey waking up beside a man whose moods shifted faster than sky over ocean, a generous man who could make sudden friends—or enemies—for life. Who *had* to beat Italian rival Umberto Pelizzari's new record by 13 meters, *right now*, if Pelizzari had just beaten his by 12. A man who. . . wait a minute. Had she really seen what she thought she'd seen just before bedtime? Yes. A man who turned to his Santeria gods for guidance, summoning them with honey and cigar smoke and herbs and branches and bones and scraps of coconut shell, and a funny sort of song?

She got out of bed at dawn and headed to the kitchen. Coffee for Pipín. Coffee and fruit for the little statue of one of his gods when Pipín wasn't around to make the offering. She accommodated his myth: the knight on the underwater god's mission. She could even turn a blind eye to his wandering eye.

Their hands compulsively touched when they walked or sat. They were each other turned inside out, two souls melding parts to produce a whole: I'll take us around the world. You'll

see and do things beyond your dreams. I'll live in the tunnel. You'll order out for reality and a side of perspective. I'll exaggerate, tell the world that I achieved a record dive "with absolute self-control and an unyielding faith" thanks to a state of concentration in which "electric energy, magnetic energy and all the forces of nature converge to increase my biological capabilities." You'll cock an eyebrow, just enough. I'll make the cash flow. You'll keep the checkbook. I'll teach you to seize today. You'll remember my two promises yesterday and three appointments tomorrow. I'll dream up the world's deepest dive tank with a domed underwater disco where scuba dancers boogie in leaded, magnetized shoes. You'll find the shoemaker.

"She could find solutions just by looking in my eyes," Pipín would say. "I thought I'd go from girl to girl the rest of my life, because even the ones who were scuba divers had other priorities. Sooner or later the woman would ask, 'Why is your mind always *there*?' But not Audrey."

The magic kept coming. Three weeks after they fell in love, they were freediving with dolphins off the coast of Honduras in front of cameras for his new Mexican TV series, then with sea lions off the Galapagos and with humpback whales off the Dominican Republic. Well, at least *she* was. He watched in astonishment as the 45-ton whales cavorted with her in a watery waltz, then in vexation as they flinched from him—as if they sensed that she was the one who cried when shrimp died in the aquarium, the one who studied and sketched fish. . .and he was the one who speared them. She shed the air tank, bubbles and noise. She *became* the mermaid. Her drawings ripened. In one that she titled *Pleasure Shared*, she was naked, her hair fanning in the water, her back arched in abandon, her legs splayed beneath a shark.

A cloud hung over her enchantment, a gnawing fear: He feared nothing—not in the water. Standard diving protocol? Rules made for others. At any moment the man she loved could die. "I've seen world championship divers, and I've seen him," photographer and scuba diver Ron Everdij would say, "and they are not like him. It's like the difference between runners from Kenya and runners from the rest of the world. But one day he'll go wrong. He thinks he's invincible. He's like one of those people who's arrested for shoplifting and goes right back to the same store the next day."

Lying still in a swimming pool practicing apnea, the suspension of breathing, he could last more than seven minutes. But the pressure, both physical and mental, where he went—where World War II submarines would creak and groan—sliced that time in half. She watched him on their backyard patio on the waterway at the edge of Miami Beach as he prepared himself for this, pounding out stomach crunches and bench presses while he held his breath for one minute. . .two. . .2:30. . .and counted the contractions that rippled his diaphragm as his body screamed for air. He'd keep going—2:45. . .2:50—everything around him melting into gray soup, and it was only by the little trick he'd discovered, focusing on the fading backyard fence and the tall building beyond it and compelling them to return to their perpendicularity, that he could reach his record of 45 contractions, that he could hang on for just a few. . .ticks. . .more.

But sometimes, in the ocean, he miscalculated. He'd blacked out by descending too swiftly; or too slowly, when currents swept the cable off a vertical line; or too soon, before he'd recuperated from a previous dive. Sometimes his equipment malfunctioned. His cable had



snapped. Many times his sled had gotten stuck, and once it had pile-driven him into knee-high mud 377 feet below. He'd been partially paralyzed for a half hour after he pinched his nostrils and blew so hard, trying to equalize, that air leaked into his brain. He'd died three times during No Limits dives, he said, convinced that Olokun, the Santeria undersea god, had brought him back to life each time in a bath of white light.

He'd suffered so many decompression hits when he went under on scuba tanks that a neurologist had warned him never to touch a tank again. Audrey, watching him strap another one on anyway, wondered if she should take a knife and slash the hoses. He often wouldn't bother to use Trimix—the combination of nitrogen, helium and oxygen that scuba divers are cautioned to use in place of compressed air at depths greater than 125 feet—or to slow down for the two-or three-hour ascents sometimes necessary to avoid the bends. His elbow and leg would begin to itch when he surfaced, a sign that nitrogen bubbles were trapped in his veins or his bones and that one day the bones might begin to snap like pencils.

Keep going deeper, his friends warned him, and you'll end up in a coffin, Pipín, if you're lucky. A wheelchair, Pipín, if you're not. But he'd scoff, even as he neared 40 and the blackouts multiplied. Audrey would push away his panicking crew when he surfaced unconscious, open his airway and blow on the skin around his mouth to stimulate his reflex to *breathe, Pipín, breathe!* Then wait and pray and wonder what made this man keep gambling.

She had to go deeper. It was the only way to understand him. She had to kiss him goodbye, when Cuban authorities forbade him to return, and fly to his homeland alone to trace his life.

She had to stand on the cliff overhanging Matanzas Bay—his backyard—and picture Francisco Ferreras, poised here in front of the boys who stared and sneered at him, about to take his first risk. It was 1969. He was seven. The boy who had found it so difficult to walk because his metatarsals were malformed and his feet jutted inward, was about to start running. The child who was mute until he finally uttered "*pi-pin. . .pi-pin*"—no, not a word, but close enough to celebrate and to turn into his nickname for life—was about to leave them all speechless. The trapped boy was about to spring free.

He peered down at the water. None of the kids gathered about him would dare this. But no one was there to stop him. Not his uncle, Dr. Panchin Guerra, who'd prescribed water therapy to trigger the boy's dormant motor skills and had been astounded when the child began to swim before he could walk. Not Haydee, the big-hipped black servant who was sure the Santeria ritual she'd snuck the boy off to had done the trick, the throbbing drums and animal sacrifices that had summoned Olokun, the old African god of the undersea and of good health, to cure the child. Not Pipín's father, who'd never lived with him in the big walled estate on the cliff and who'd soon be divorced from Pipín's mother. Not the mother herself, who left the house to work in Cuba's agriculture ministry each morning before Pipín woke up and didn't return until after he fell asleep—seven days a week.

Pipín took a deep breath. Then the boy with the orthopedic shoes and eyeglasses and rasping asthma flew off the cliff and plunged into the sea. The other children scanned the water in astonishment, then fear: Where was he? Pipín was pulling off Part II of his magic act, having

darted into an underwater cave he'd discovered earlier beneath the cliff.

Audrey entered the cave with her video camera. Here he'd sat, in a space as big as a living room with a foot of air to breathe between the ceiling and the water's surface, relishing the thought of them all up there panicking, ashamed of themselves for all the shame they'd made him feel. Here he'd sat, filling the cave with his imagination and loneliness. At peace for once. It was like being in the trap again, cut off from the world and scarcely able to move, only it was a beautiful trap because *he* had contrived it. A beautiful aloneness because he'd arranged it.

But it was such brief magic. Because soon after he dived and made the world go away, his world went away from him. The grandmother, uncle and aunts who'd helped raise him fled Fidel Castro's regime for Florida. The servants who mothered him and introduced him to the old African gods were dispersed. He was placed in a boarding school that specialized in sports training so that he might pursue his proclivity for swimming. He returned to the underwater cave on weekends and in the summers, clutching a plastic bag of fruit so he could stay inside his lair longer and make loneliness lovelier still.

But he needed to enlarge his kingdom. He forged a mask by heating the rubber from Soviet boots and pressing two ovals of glass into it. He fashioned fins by cutting swaths from plastic boxes of frozen fish and binding them with screws filched from window frames. He rigged a speargun from a piece of pipe and elastic bands. He hardened his determination and deltoids by swimming laps for four hours a day at boarding school, where he was developing into one of Cuba's top junior swimmers, and in truth, just finding a way to exhaust his anxiety so he could sleep. By 13 his asthma and orthopedic shoes were gone, and so was his mother—she had moved to Mexico City for four years to serve as first secretary to the Cuban ambassador. Pipín's domain grew wider still.

Down he went after the big groupers and snappers lurking in the deep water. He learned to imitate their movements, to intuit their intentions, to stalk them in the dark caves they darted into to evade him. He became a shark. "For me, sharks aren't monsters, but partners," he'd say. "In my imagination I become one of them."

He emerged from the sea and tried to fit into the world of the two-legged land creatures. He scraped by in school until his final year, when he and his classmates were ordered to harvest sugarcane on a weekend when he'd planned another spearfishing expedition. *Why am I learning math or history?* he'd remember thinking. *The only history I want to know is my history. I go underwater to feel a pleasure greater than any that life on land has to offer me. It is better than sex.* He refused to join the harvest and was expelled.

His mother sobbed. The boy was trapped again. She was about to return to Cuba to become a university professor. His father was a judge. They'd both fought in the revolution and been decorated as heroes. How could their dropout son earn love and admiration? How could a spearfisherman be a hero? In the army, perhaps? He suffered a nervous breakdown and was discharged. In the working world, possibly? None of his jobs, diving for bosses who sent him down after sponge, lobsters and sunken treasure, lasted more than a year. In marriage, maybe? He took a dancer named Luisa into the underwater cave to make love to her for the first time, then married her at 19. It ended in a year and a half.



An Italian diving journalist on holiday in Havana saw how deep the 19-year-old Pipín could dive and hurried him to Cuban authorities, urging them to let the boy travel overseas and break the world record. They yawned. They'd never heard of such a sport. For six years they yawned as Pipín pestered them. Then came his moment. Cuba, unveiling a seaside resort in Cayo Largo in 1987, invited a group of international underwater photojournalists to publicize it. Sure, why not let that crazy fish man entertain them?

He scurried about the resort, a charming nobody promising photographers the chance to document the deepest dive ever without the aid of apparatus. Here, at last, was a chance to show his parents and everyone else.

Damned if he didn't—67 meters, 220 feet!—and if the photojournalists didn't send dispatches around the world. He was on fire now, lusting for bigger, deeper, farther, more. He busted the world record again a year later with a 226-foot dive.

He knew his limit was his anxious heart, his teeming brain. He studied controlled breathing techniques with a Hindu yogi. When he consulted Buddhist monks they told him, *Learn to wait*. Learn to wait? Pipín? Suddenly, as news of his exploits traveled, he was on diving magazine covers. Suddenly a yacht ornament for Cuban generals and politicians on fishing trips. Suddenly signing a sponsorship deal with Europe's largest diving equipment company, marrying an Italian beauty, hosting an Italian TV travel show.

Suddenly, in 1991, chalking up a world-record 377-foot No Limits dive, the first ever televised live in Europe. . .but still sure that his mother was unimpressed. Suddenly watching his second marriage go up in smoke, then two of his high-placed friends in the Cuban military getting executed for drug trafficking. Suddenly sweating bullets because they were his two buffers in a regime that could turn on him at any moment for the six cars and three houses he'd finagled with his new fame and riches. Suddenly stepping onto a friend's private plane in the Bahamas in 1993 and severing one more connection—to his homeland, his parents, his separated wife and three-year-old daughter—and defecting to the U.S.

When Audrey had heard all the stories and visited all his old diving haunts, she flew back to him in Florida. Full of wonder that she'd been granted entrance into his world, the one he'd created against all odds. Full of wondering: for how long?

Death crept closer. It found them again in Cabo San Lucas, of all places, where Pipín and Audrey had returned to reclaim Pipín's world record, to dip once more in the water where magic, eight months earlier, had struck. Pepe's body surfaced instead.

This wasn't like losing Berttoni, a stranger added as a safety diver on the fly. Pepe had been Pipín's fun-loving pal since they were teenagers in Cuba, his crew chief, the safety diver at the bottom, the only one deeper than Audrey—the man who'd introduced her to the king.

Oh, God, if only Jacques Mayol and Enzo Maiorca could've lived with the limits. If only the Frenchman and the Italian hadn't devised weighted sleds sliding down cables to smash the depth barriers in the '60s and '70s, Pipín's quest could've remained simple and pure, and nobody would've had to die. He might never have known the adrenaline rush of No Limits,

never reached depths that were perilous even to men on tanks, depths that required all that equipment that could break and all those safety divers who could die.

But what had killed Pepe? Pipín theorized that venom from a scorpion bite Pepe had suffered the day before, which hadn't seemed to affect him, somehow had been activated by the pressure on his body at 260 feet. But the whispers soon began: that Pipín was cutting corners, that both Pepe and Berttoni might have died because they descended to unsafe depths the way their leader routinely did, breathing from a tank of compressed air instead of Trimix.

Nightmares wracked Pipín. He knew this second death of a crew member would be turned against him. He'd just broken with yet another institution—freediving's mainstream sanctioning body, AIDA—because his rival Pelizzari was behind it and because of his disagreement over some of the safety procedures that AIDA requires for certification of record dives. Pipín had just formed the International Association of Freediving (IAFD) despite howls that it was a dangerous conflict of interest for a man to act as his own sanctioning authority on a record attempt. But Pipín had seen Pepe go that deep without Trimix plenty of times, so that couldn't have caused his death, he insisted, and besides, in Pipín's world a man died because God decided it was his time.

Pepe was cremated. Audrey and the crew turned to Pipín. Well? Was the dive on or off? What do you do when your buddy dies trying to help you set a record?

Pipín turned to Audrey. She was the person he loved and trusted most, so it only made sense to ask her: When he dived, would she go one rung deeper and take Pepe's place?

She would. She did. He set another world record. But it wasn't deep enough.

Could Audrey take the next step? Would she leave the safety crew and become a No Limits diver too? Pipín asked her that one day. After all, it was better than sex. She was better than the young woman he was training on the sled. Besides, didn't it seem safer to be the diver on the sled than the diver *saving* the diver on the sled?

She didn't think long. Sure, she'd try it. Not for his reasons. Not to be singular, not to be separate—there wasn't a competitive bone in her body. To connect. With him. To inhabit his world completely. Wasn't it all or nothing with this man? "It's very difficult," she would write on her website, "to live with someone that experiences sensations unknown by the world, sensations that can't be described or shared. I thought that if I could enter his underwater world, I could be closer to him."

She began to train. He began to order her food when they went out to dinner. She led Pipín to their backyard Jacuzzi in 1997 and astonished him by lasting five minutes and 50 seconds submerged—a half minute longer than the female static apnea world record. They headed to the Cayman Islands for her maiden voyage, but suddenly Pipín, ascending from a scuba dive just minutes after a No Limits training dive, was losing consciousness on the boat, hitting his head, vomiting and shaking from a violent seizure. She found herself on an airplane back to Miami, sitting in a hospital room watching him twitch and slur for three days, then rise and

walk out against doctors' advice, saying it was time to fly back to the Caymans and make their dives. With Pipín every accident became a reason to continue, every death a debt that could be repaid only by carrying on—never a signal to reassess, to slow down.

Audrey nailed her 263-foot dive a few days later, and bingo, she was the French female record holder. She loved it. Everything went away on a No Limits dive. Your worries. The world. Even your body. "You forget you have one," she told a reporter for deeperblue.net, "and that is when you meet the other person who lives inside you, the one in control of everything: your mind." A year later, in 1998, she joined Pipín for a 378-foot tandem dive in Cabo San Lucas, and they were the deepest-diving duo ever. They married in '99. A glance, that was all they'd have to exchange in the water now, and each would know exactly what the other meant. She became the deepest female diver ever with a 412 1/2-foot plunge off the Canary Islands in 2000, surviving an 18-second fright when her sled got stuck at the bottom and safety diver Pascal Bernabe helped free her. She encored with a 427-footer off Fort Lauderdale a year later, extending her women's record and making her the fifth-deepest diver, of either sex, ever.

A startling thing was happening in her relationship with Pipín. She was the diver squeezing six workouts into a week while he blew off three. The one who could withstand 90 diaphragm contractions to his 45, could rev her heart rate to 200 while his max was 160. Who was unflappable even when Pipín ambushed her during training dives, springing out of nowhere at 375 feet to snatch her and test her composure. Who could read Egyptian history 20 minutes before a record dive while he couldn't absorb a letter from his mother for the two weeks before one of his. "It made me feel ashamed," he admitted. "How could she do that? She has the stronger mind. A perfect mind. I took her as a student, and she became the teacher."

Then came the audacity. Tanya Streeter of the Cayman Islands unfurled a 525-footer in August 2002, nearly *100 feet* beyond Audrey's record dive. In the factionalized freediving universe, full of strife and ego, Streeter's record triggered more strife, more ego. AIDA anointed Streeter's dive the new world record for both sexes because she'd achieved it using AIDA's judging protocol and safety standards. Pipín's IAFD insisted, of course, that Pipín's dive of 531 1/2 feet in 2000 remained the record. To reclaim the female world record, Audrey would have to creep perilously close to Pipín's 531 1/2-foot IAFD record. Or. . .past it.

Imagine that. Audrey taking *Pipín's* record. Her eyebrows jumped when Carlos Serra, Pipín's IAFD vice president, teased her about it. Her eyes went wide. "Don't say that," she pleaded. "Don't let him hear that. Don't even *think* that."

Well. . .couldshe? Would she? The outrage couldn't stand. Pipín turned to Audrey. Was she ready to go *that* deep?

She was 28. She wanted to have children with him, but she knew that when she did, she'd have to turn and head back up to the surface. She looked in his eyes. She was like an old-fashioned French wife who'd muck the barn and pluck the grapes beside her man. She understood that world records were the family crop, the product that attracted the sponsorships and media and enrollment in their freediving courses, the TV and movie opportunities that sent them on adventures across the seven seas. She nodded. She'd go

deeper.

But how *much* deeper? How far will a woman follow a man?

Five-hundred twenty-eight feet, decided Pipín, 161 meters. That would be the target for Audrey's dive last Oct. 12 off the Dominican Republic. Three feet more than Streeter's record. Three and a half feet *less* than Pipín's. Audrey nodded.

Pipín changed his mind. Why not 531 1/2? Wouldn't it be fitting, with the cameras rolling for their next movie, *Ocean Women*, to have her *equal* the world-record dive he'd made for the *Ocean Men* cameras in Cozumel, Mexico, two years before? Audrey agreed.

No, wait, said Pipín. Make it 538 feet—164 meters. Audrey was stunned. He wanted her to *beat* his record. Maybe because, where he'd gone all his life to separate, he'd finally connected. Maybe this was his gift to her.

Scratch that. She might as well go for 544 1/2. After all, they'd just arrived in the Dominican Republic, and she was nailing these depths in training so easily. After all, didn't every extra foot she went using his techniques—a woman with scant athletic background and just five years of freediving experience—jam another foot in the mouth of his critics and rivals?

Hold on. How about 551 feet? Maybe because she was so damned unthreatening. Maybe because he was certain he could dive deeper.

O.K., then, we'll make it 558, a nice, round 170 meters. That was the depth she reached on her final training dive—unofficially the deepest in history—and then climbed back into the boat looking fine, admitting only later to safety diver Matt Briseno that she felt "weird."

Well, then, enthused Pipín, let's go for 597 feet—182 meters—and no, that wouldn't create an even riskier gap in their already overstretched chain of safety divers, see, because Pipín could leave his supervising post at the surface, don scuba tanks and become the bottom diver at 597, and then, on his next dive, could score that nice fat number still looming: 600. Serra, in charge of the dive logistics, was aghast. "Do you want to dig a hole and go through the planet to China?" he cried.

Pipín turned to Audrey. She'd watched him do the riskiest things and said nothing, but the thought of her husband at so extreme a depth on scuba tanks, after everything doctors had warned, made her finally dig in. No, Pipín, she said. She'd protect him. She'd go 561 feet, 36 less than he wanted, but still the deepest a human being had ever gone. But he'd have to wait for her at the top.

Black fists clenched on the horizon that morning, then ripped across the sky hurling wind and thunder and lightning. They blew open the door to the closet in Pipín's mind where all the magic lives, and out stepped Chango, the Santeria god of storms. This had to be a sign from Chango, Pipín thought, a command to cancel the dive. But 15 boats waited to take on spectators and reporters and cameramen for the *Ocean Women* movie. At mid-afternoon,

when the storm relented, the dive was on.

Audrey read about the pharaohs as Pipín did the final equipment check, a duty he usually shared with his crew. But they'd angered him by placing two decoupling devices on the sled backward during training dives, so he shooed them away. He opened the valve to make sure there was air in the tank that would inflate the lift bag and bring her back up. He shut it when he heard the hiss of air, but he didn't check the pressure with a gauge.

He tied a strip of red cloth around her wrist. Chango's color. He peeled a banana and dropped the skin in the sea for Olokun.

She smiled and entered the water in a yellow-and-black wet suit. Gray skies. Slight chop, maybe a foot. She and Pipín had both dived in much worse. She ventilated as Serra barked the five-minute countdown. Then she took her final breath of air, and vanished.

"F---, f---, f---," Pipín began murmuring.

"What's wrong?" asked Serra, studying two watches.

"Why is she going so slow?" he demanded.

Serra felt the cable shudder. She'd struck bottom at 1:42. . .14 seconds *faster* than she took during her training dive three days before. "Relax," he said.

Now all Audrey had to do was pull the pin that released the ascent portion of the sled, open the valve on the air tank and hang on for dear life as it carried her back to air, applause and Pipín's embrace. She turned the valve to release the 3,000 pounds per square inch of air compressed inside the tank.

The bag didn't inflate. She didn't budge.

Again she turned the valve. The sled still didn't rise.

What was happening? Was she so narked she couldn't open the valve? Was she dazed from nitrogen narcosis, which every diver at such depths experiences but she perhaps more because she'd increased her dive depths dramatically? Or, as several involved with the dive later suspected, was there just not enough air in the tank?

A half minute had passed. An eternity at such depth. Oxygen dwindling. More than 200 pounds of pressure per square inch leaning on her body. Pascal Bernabe, the bottom safety diver, Audrey's dear friend, inserted his mouthpiece into the lift bag to add air. The sled began to lift. . .but not enough, not enough.

She remained 538 feet below. A minute since she'd hit bottom. Why? Why wouldn't she grab



Bernabe's mouthpiece and breathe—*live*? Why wouldn't he thrust it between her lips?

Because neither was looking at a watch. Because she still appeared so calm. Because they'd unjammed the sled at the bottom and salvaged her record dive off the Canary Islands. Because she'd never taken air from a tank at such depth, and many experts believed that doing so would cause spasmodic coughing—and drowning—or make the lungs expand and explode on the ascent. Because, perhaps, she was too narked to realize the danger. Because, maybe, the first breath she took from Pascal's air supply would render this dive a failure, a disappointment to all those waiting above. Because, as soft as Audrey was with shrimp and whales and human beings, that was how hard she was on herself. A perfectionist. A soldier with a duty. And she'd told Pascal, more than once, that he was *not* to give her air unless she signaled for it. But, goddammit, Pipín would flog himself later, she would've taken air if it had been *him* holding the mouthpiece to her lips, *him* stationed at the bottom, the way he'd wanted.

Pascal dipped beneath the sled, pushed it and watched it finally creep upward. Upward into a vast stretch of unmanned ocean: 260 feet of it between her and the next safety diver. No Cedric Darolles at his old post—394 feet—where he'd been stationed on Pipín's and Audrey's recent dives. He was dead, perished the year before while cave-diving, and Pipín hadn't replaced him. It was there, three minutes and 50 seconds into the dive, that Audrey lost consciousness and drifted away from the cable.

Above, Pipín was already in a frenzy over the time elapsed, slinging on a scuba tank, diving. Below, Audrey sagged into Pascal's arms as he ascended beneath her. Pascal couldn't do what his heart screamed to do. Couldn't rush her to the top or he'd die from a massive decompression hit, and there'd be two death certificates for sure. His heart pounded. Panic could kill him too. Two minutes. That's how long a diver who lost consciousness underwater had to live.

He carried her to the next diver up, employing the relay system designed to prevent any safety diver from ascending too far too fast and dying from the bends. He rose twice as fast as a scuba diver should. It still took a minute and 55 seconds to get her to 295 feet, where safety diver Wiky Orjales awaited.

No, he didn't. Oh, God. . . .

So much time had elapsed that Wiky—who was on a very short time leash because he was breathing compressed air instead of the Trimix that Pascal was inhaling—figured the dive had been aborted, that Audrey *had* to be below sharing Pascal's mouthpiece. So he'd ascended. And so in Wiky's place Pascal found nothing but more ocean.

Now Pascal had to wait to avoid the bends, 63 agonizing seconds until Pipín appeared in an explosion of bubbles. Pascal handed him his wife.

Pipín rose, taking another decompression hit himself, bloody foam pouring from Audrey's mouth. Eight minutes and 38 seconds after her last breath, he surfaced with her body. She still had a pulse! He clamped his mouth on hers and tried to fill her with his breath, then

Serra and the eight-man rescue patrol that the IAFD had hired took over. Serra looked in her eyes. He knew that the pulse was a lie, that her brain was dead.

It was all a blur after that. The motorboat dash to shore, the hopeless race to the hotel infirmary and then to the hospital. Pipín sitting in the hotel lobby afterward, lost somewhere deep inside his motionless body, his face frighteningly composed. "He seemed like a man executing a plan he'd downloaded into his memory for just such an occasion," Paul Kotik, a deeperblue.net journalist and diver, would say. "When we parted, I didn't think I'd see him alive again."

The funeral procession motored a few miles east of Miami Beach, then surrounded Pipín's boat, *Olokun*. He slipped into the water with a beige marble urn and, with remarkable poise, poured her cinders into the sea. Then he went home and sobbed until days turned into weeks.

How does a man grieve while the world's screaming in his ears? One after another they came, the questions, rumors and charges of negligence howling on websites and chorused by journalists and AIDA officials: Where, Pipín, is the video of her dive, taken by the camera attached to the sled? He couldn't bring himself to go near the IAFD vault where it lay, let alone relinquish it. Why were there so few safety divers, Pipín? He couldn't stand and explain his fear of hiring and *risking* more of them. Why, Pipín, wasn't Audrey wearing a self-inflating wet suit that she could've activated to jettison herself to safety, as other No Limits divers used, or a harness-and-pulley system that could've cranked her up from above? He couldn't lift his chin and whisper his belief that all the safety systems have flaws, and who was to say that her mouth wouldn't open and her lungs fill with water as the pulley yanked her up, or that Audrey would've activated one of those self-inflating suits if she'd worn one, when she hadn't even reached for Pascal's mouthpiece? Why not appoint a neutral expert to pinpoint the causes and perhaps save a future diver's life, Pipín? Why no doctor or intubation tubes on site, Pipín? He couldn't express the inexpressible, how safety nets shrivel a Wallenda's heart. Why no deaths in other divers' No Limits record attempts, Pipín? What about Berttoni's and Fernandez's deaths, wasn't there a pattern, and how does a man who doesn't even wear a safety belt in his car end up in charge of safety for the world's deepest dive, and, pssst, have you heard that he practices witchcraft? Or that wild one that his defection from Cuba may have been a ruse so he could serve Castro as a spy?

He couldn't eat. Twenty-two pounds melted away. He couldn't sleep. He couldn't work. He couldn't process the report from Kim McCoy—the oceanographer who provided the IAFD with computerized readings of its dives—that listed all the factors that might have contributed to the sled's malfunction: a cracked Teflon bushing; a pair of wings that were designed to stabilize a camera but that created a lateral force on the line; a new cable and bottom weight that turned out to be more prone to create a pendulum effect on the cable; and the possibility that the air tank wasn't full.

Pipín filed a lawsuit against Ricardo Hernandez, a former IAFD employee leading the chorus of charges, for infliction of emotional distress, invasion of privacy and defamation. Hernandez filed a counterclaim, recently dismissed, alleging that Pipín had fired him unfairly two years ago and that this had sent him into a psychiatrist's care. Why, Pipín kept wondering, couldn't they all just say what Audrey's mother, Anne-Marie, did: that no one was to blame, that the sea wanted her forever?



For once in his life, Pipín couldn't even go into the ocean. He knew with terrifying certainty that no woman—even one he turned to for comfort in his grief—would ever go that deep with him again.

When it became more than he could bear, he went to his Santeria shrine and summoned Olokun. Couldn't he just end it all, he asked, and join her? The reply seemed pitiless to him: Why do you even ask, Pipín? You know that she died a white death, a natural one, and that if yours isn't white as well, you'll *never* join her.

He packed all the statues and amulets from the shrine into a bag, boarded his boat and traveled for four hours. He cast everything into 10,000 feet of water. He went home and lay on a table for four hours more while a tattoo artist inscribed the image of the half-naked woman inside the hammerhead shark on his calf.

He replaced Olokun with Audrey. She became the one he spoke to each day, the one he asked for blessing and guidance. She'll be down there, he's certain, when he makes his planned world-record dive in mid-July, at precisely the coordinates where nine months earlier he turned the green water gray with his wife's ashes. He'll attempt 558 feet, equaling the depth of her final training dive, which he declared the new IAFD world record after her death. It's a dive that he says he must make, one that frightens his friends and that helped convince IAFD vice president Carlos Serra to part ways with him early this month.

When it's all done, you'll have to decide which side of the water's surface to see the myth through, and who got the moral of the story right. Those who see the half-naked woman inside the hammerhead shark and say, "Of course, because that's where she lives now." Or those who see it and say, "Of course, she was devoured." Remember one thing: It was Audrey who drew the picture.

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